

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DENNIS CAPPS,

Petitioner,

v.

CIOLLI,

Respondent.

Case No. 1:20-cv-00766-SAB-HC

ORDER DIRECTING RESPONDENT TO  
FILE RESPONSE TO PETITIONER'S  
MOTION TO END STAY

ORDER SETTING BRIEFING SCHEDULE

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The parties have consented to the jurisdiction of a United States Magistrate Judge. (ECF Nos. 25, 26).

On September 2, 2021, the Court denied Respondent's motion to dismiss. (ECF No. 22). Thereafter, Respondent moved to stay the proceeding pending adjudication of Petitioner's 18 U.S.C. § 3582 motion for compassionate release, which is currently pending in the United States District Court for the Eastern District of Missouri. (ECF No. 28). Petitioner did not respond to Respondent's motion to stay, and the Court stayed this matter pending adjudication of Petitioner's 18 U.S.C. § 3582 motion for compassionate release, finding that the objective of judicial efficiency would be served. (ECF No. 29). On February 10, 2022, Petitioner filed a motion to end the stay. (ECF No. 31).

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Accordingly, the Court HEREBY ORDERS that:

1. Within twenty-one (21) days of the date of service of this order, Respondent SHALL FILE an opposition or statement of non-opposition to the motion to end stay; and
2. Any reply to an opposition may be filed within seven (7) days after the opposition is served.

IT IS SO ORDERED.

Dated: **February 14, 2022**

  
UNITED STATES MAGISTRATE JUDGE